

Serial No.: 10/796,579

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REMARKS

Claims 1-13 are pending in the present application after this amendment adds new claim 12. Claims 1-11 and the title are amended and claims 12 and 13 added herein. No new matter is added by the amendments and new claim, which find support throughout the specification and figures. In view of the following remarks, favorable reconsideration of this application is respectfully requested.

Applicants note with appreciation that the Examiner acknowledges that claim 4 is allowable. Claim 4 is amended herein into independent form, and therefore it is respectfully submitted that claim 4 is in condition for allowance. Further, claims 2, 3 have been amended to depend from the allowable claim 4 and are therefore allowable therewith.

The office action objects to the title of the invention as not descriptive and requires a new title be provided that is clearly indicative of the invention to which the claims are directed. It is submitted that the new title, is presented herein therefore it is respectfully requested that the objection be withdrawn.

Claims 6-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicants amend these claims to clarify the structure recited therein, and it is therefore respectfully submitted that the claims as amended enable one skilled in the art to practice the invention. Therefore it is respectfully requested that the rejections be withdrawn.

Claims 1-3 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Allegedly Admitted Prior Art (AAAPA) in view of United States Patent No. 5,867,474 to Nagasawa et al. (hereinafter referred to as Nagasawa).

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It is respectfully submitted that neither the AAAPA nor Nagasawa teaches or suggests that each of the special marks is formed by a first coupling portions and a second coupling portion, depicted for example as elements 3 and 4 in the figures of the instant application.

As amended claims 4 and 6 recite that the first coupling portion (3) couples a particular groove of the grooves and one of two grooves adjacent to the particular groove on opposite sides thereof while the second coupling portion (4) couples the particular groove and the other of the two grooves, as shown in Fig. 8. With this structure, each of the first and second coupling portions couples two groove across a single land.

In claims 5 and 9 as amended, the first coupling portion couples a particular land and one of the two lands adjacent to the particular land on opposite sides therof while the second coupling portion couples the particular land and the other of the two lands, depicted for example as elements 3 and 4 of Fig. 4 of the instant application. With this structure, each of the first and second coupling portions couples two lands across one groove.

It is respectfully submitted that Nagasawa does not teach two lands across one groove, but rather discloses the land structure across a plurality of grooves. Similarly, the AAAPA does not teach two lands across one groove but rather shows a land structure across a plurality of grooves.

Further, it is submitted that neither the AAAPA nor Nagasawa teaches or suggests that the direction of the tilt can be detected by determining which of the reflected light amounts is increased as shown in Figs. 5B and 5C.

By using the special mark formed by the first coupling portion (3) and the second coupling portion (4) as described in independent claims 4-6 and 9, a medium tilt of the medium is detected from a difference in reflected light, as shown in Figs. 5B and 5C, between the first

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and second coupling portions when an optical spot follows the recording track. Depending on which one of the reflected light amounts is increased, the direction of tilt is detected. Further clarification as to these features can be found by referring to the specification at page 11, line 4 to page 12, line 15 and Fig. 5C.

The office action asserts that the AAAPA depicts the appropriate co-joining of the land areas (coupling regions) which is interpreted as both the tilt detection areas (7) of the claim and the coupling portions (3,4) of claim 5. The office action further asserts that there is no clear depiction of a "special mark," and that it would have been obvious to modify the base system of the AAAPA with the above additional teachings from Nagasawa "for provision of a spiral track", "as well as 1/g formatting and hence increasing the recording density of a disc as well as provision of the marks for their intended use" (Office Action; page 4, lines 4-6).

It is respectfully submitted that the combination of the AAAPA and Nagasawa is the result of improper hindsight reasoning. Initially, it is unclear what portion of the AAAPA disclose or suggests co-joining of land areas. Clarification of support for this feature is respectfully requested. Additionally, the stated motivation to combine the references is improper since it is unclear how Nagasawa provides a "spiral track" nor how this provides a motivation to combine the references. Similarly, neither reference appears to be directed to increasing recording density, and even if one reference is directed to such an object, there is no suggestion to combine the references, nor more particularly a suggestion as to the manner in which the references should be combined. Furthermore, as the AAAPA indicates, a method of providing a higher reliability tilt detection is required than is currently available based on the AAAPA (Specification; page 3, lines 11-13). Therefore, the AAAPA teaches away from the combination. Therefore, the rejection based on the combination of the references should be withdrawn.

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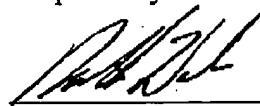
Therefore, it is respectfully submitted that none of the references disclose or suggest these features, and therefore for at least these reasons independent claims 4, 5, 6, and 9 are allowable.

Claims 2, 3, 7, 8, and 10-13 depend from one of these allowable base claims and are therefore allowable for at least the same reasons as claim 1 is allowable.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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